Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: City of Billings, 2224 Montana Ave., Billings, MT 59102

2. Type of action: Application for Beneficial Water Use Permit (43Q 30068497)

3. Water source name: Hogans Slough

4. Location affected by project: S2NE Section 15 T1S R25E

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to use 0.8 CFS up to 201 AF/year to maintain a wetland area and three ponds as part of a United States Environmental Protection Agency required storm water retention and treatment project. One of the ponds would also serve as an urban fishery. The benefits would be upkeep of the wetland that provides the storm water treatment and providing a fishery. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

   Montana Department of Fish, Wildlife and Parks
   Montana Department of Environmental Quality
   United States Fish and Wildlife Service, National Wetlands Inventory
   Montana Natural Heritage Program
   United States Department of Agriculture, National Resource Conservation Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No Significant Impact.
The Montana Department of Fish, Wildlife and Parks does not list Hogans Slough as chronically or periodically dewatered. The stream is dominated by irrigation return flow and irrigation ditch leakage input.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No Significant Impact
The Montana Department of Environmental Quality does not keep records on this source. The wetland and ponds would serve as a storm water treatment facility designed to improve water quality.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No Impact.
The project is designed to operate at or near groundwater level and will not significantly change the groundwater supply and may benefit the groundwater quality.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: Possible Impact.
The diversion structure as proposed would require construction within the channel and alter the bed and banks of the stream. The diversion structure would create a barrier to movement of aquatic species. The proposed project would increase riparian habitat, add marshes and wetlands, and potentially create water fowl habitat.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No Significant Impact.
According to the Montana Natural Heritage Program website, The United States Bureau of Land Management lists the spotted bat, Townsend's big-eared bat, spiney sofshell, western hog-nosed snake, milksnake, greater short-horned lizard and sauger as sensitive species in the area. The United States Forest Service lists the same species with the exception of the spiney softshell and sauger. The bald eagle is a species of special status. There are no plant species of concern in the potentially impacted area.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: Possible Impact.
The project area is in a region of existing wetlands of emergent and submergent types including filled ponds. The southern part of the project is currently wetland. The purpose of the project is to maintain the current wetland and add to it.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No Significant Impact.
The Montana Department of Fish, Wildlife and Parks has determined that the pond designated for a fishery is appropriate to that use. Wildlife, water fowl, and fishery resources would likely be positively impacted.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No Significant Impact.
Primary soils of the area are Halverson loam and Lohmiller silty clay with very low slope except where channeled. Both soil types are low in salts and well drained. Moisture content of the soils may increase around wetland plantings and beneath ponds.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No Significant Impact.
The excavation of ponds and installation of the diversion may provide an opportunity for the spread of noxious weeds. The land owner is responsible for monitoring and controlling weeds.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No Impact.
The proposal is to create wetland areas and ponds.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: Not Applicable.
The project is not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: None Recognized.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: Consistent.
The project is consistent with the City of Billings compliance with EPA mandates regarding retention and treatment of storm water.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No Impact.
The project is in a rapidly developing urban area and is surrounded by roads, commercial and industrial activities. There are no recreational or wilderness areas adjacent to the project. The project may increase urban access to recreation.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No Impact.
Any impact would be positive in terms of downstream water quality.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No__**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: Not Applicable.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* No Significant Impact.

(b) *Local and state tax base and tax revenues?* No Significant Impact.

(c) *Existing land uses?* No Significant Impact.

(d) *Quantity and distribution of employment?* No Significant Impact.

(e) *Distribution and density of population and housing?* No Significant Impact.

(f) *Demands for government services?* No Significant Impact.

(g) *Industrial and commercial activity?* No Significant Impact.

(h) *Utilities?* No Significant Impact.

(i) *Transportation?* No Significant Impact.

(j) *Safety?* No Significant Impact.

(k) *Other appropriate social and economic circumstances?* No Significant Impact.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts of this proposal are recognized.

Cumulative Impacts: There are no pending applications or non-perfected permits located in this area. No cumulative impacts are indicated.

3. ***Describe any mitigation/stipulation measures:*** None.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The only alternative to this proposed action is a no action alternative. The no action alternative would have no adverse impacts. The no action alternative would prevent the city of Billings from using best practice storm water treatment methods, deny the urban population a fishery, and decrease the wetland acreage maintained locally.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a beneficial Use of Water Permit if applicant proves the criteria in 85.2.311 MCA are met.

2 ***Comments and Responses:*** None

3. ***Finding:***
*Yes___ No__**X**_ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:
No significant impacts were recognized as a result of this assessment. Therefore an EIS is not required.

Name of person(s) responsible for preparation of EA:

Name: Mark Elison
Title: Hydrologist
Date: 1/14/2014